

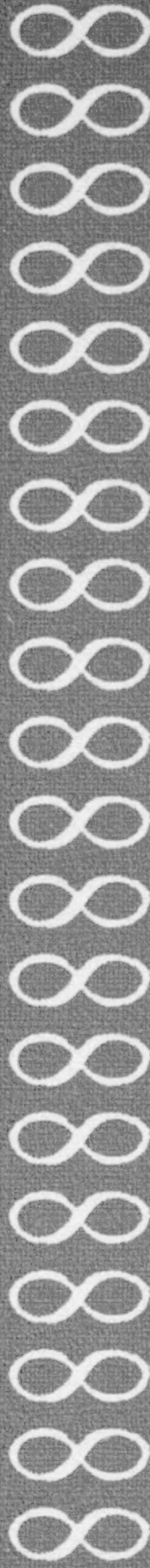


MSAT

Métis Settlements Appeal Tribunal

**Annual
Report**

2006



THE MÉTIS SETTLEMENTS IN ALBERTA

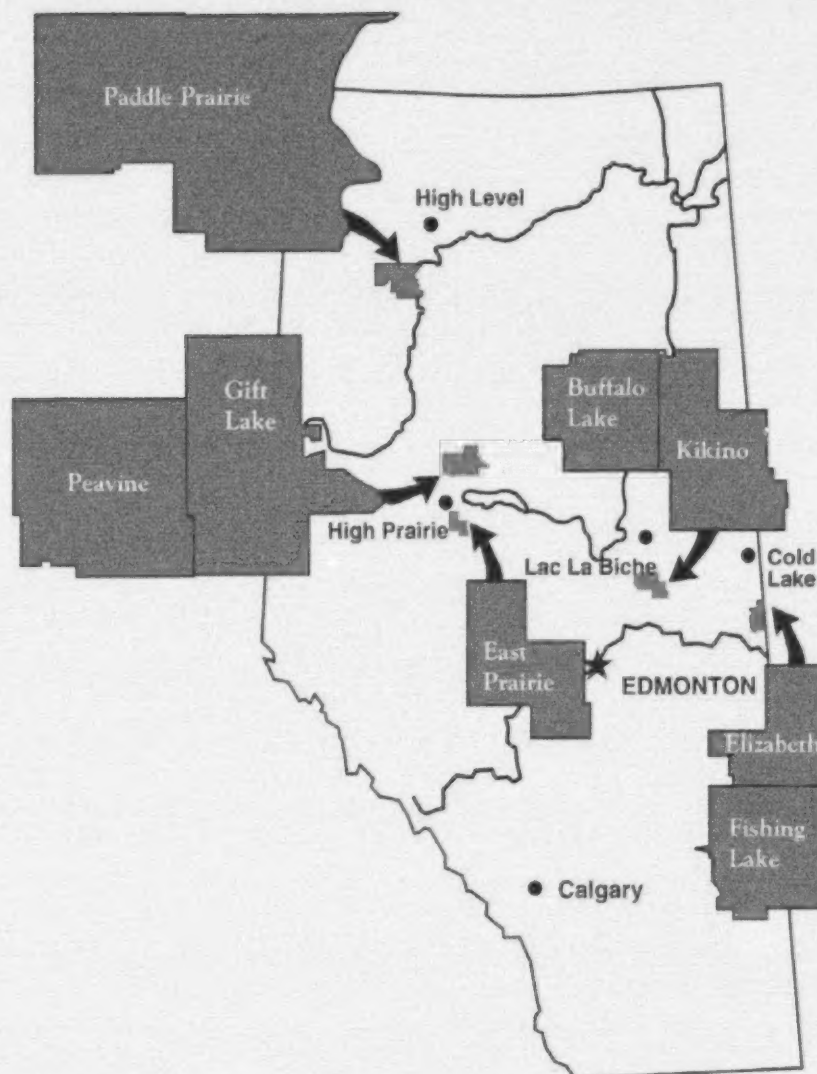


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I am pleased to present this Annual Report.

STAN DELORME, CHAIR

MISSION

The mission of the Tribunal is to contribute to the self-sufficiency of Métis life by providing resolution of issues affecting the progress of Settlements and individuals. In providing this assistance, the Tribunal believes the following is fundamental:

The Tribunal's focus is to ensure justice is dispensed using principles of law as a tool, not as an ultimate objective.

Disputes are settled in an effective and timely manner, with the least possible disruption of Métis life and relationships. To achieve this, alternative dispute resolution mechanisms are incorporated into Tribunal processes.

Decisions of the Tribunal are carried out using its own processes, supplemented by other legislation.

Settlement Councils and members are informed of the Tribunal's role, so appropriate issues can be brought forward.

WHO WE ARE

The Métis Settlements Appeal Tribunal was established in 1990 when the *Métis Settlements Act* was passed. Designed to provide practical and unbiased solutions to some of the day-to-day disputes facing the Settlements, the Tribunal has jurisdiction to hear disputes concerning membership and land allocation decisions made by Settlement Councils. It also has jurisdiction over various areas identified in the Policies of the Métis Settlements General Council which include timber, financial interests, and descent of property.

Another significant role of the Tribunal is to administer and resolve disputes about access to and compensation for use of Settlement land. This was handled by the Surface Rights Board prior to November 1, 1990. The Land Access Panel (LAP) of the Métis Settlements Appeal Tribunal is now responsible for administering right of entry and compensation orders and resolving disputes between operators, Settlements and/or members.

The Existing Leases Land Access Panel (ELLAP) is a standing panel of the Tribunal. This panel deals with surface access issues involving existing mineral lease holders. An existing mineral lease holder is a resource company that holds a mineral lease granted by the provincial government before November 1, 1990.

The Tribunal can hear disputes referred to it by provincial legislation, General Council Policies, or Settlement bylaws, or if all parties agree to have the Tribunal settle the matter.



TRIBUNAL MEMBERS

There are seven members of the Tribunal, all of whom are appointed under the *Métis Settlements Act* for four-year terms. The Tribunal Chair is appointed by the Minister responsible from a list provided by the Métis Settlements General Council. Three Tribunal members, including one vice-chair, are appointed by the Métis Settlements General Council. Three Tribunal members, including one vice-chair, are appointed by the Minister.



Standing (L-R) – John Brosseau, Joyce Parenteau, Ken Allred, Harvey Anderson
Sitting (L-R) – Randy Anderson, André L'Hirondelle, Lorne Dustow

(2002-2006)

TRIBUNAL CHAIR 2002-2006

André L'Hirondelle

Born and raised on the East Prairie Métis Settlement, André grew up learning about the issues facing Aboriginal peoples. André has been continuously employed over the last 25 years in the area of Aboriginal governance, working with the Alberta Federation of Métis Settlement Associations, the East Prairie Métis Settlement Council, and over the last 16 years with the Alberta Government on the administration of Métis Settlements legislation.

TRIBUNAL CHAIR 2006-2010

Stan Delorme (effective December 2, 2006)

Born on the Buffalo Lake Métis Settlement, Stan was raised in Métis culture and handling of livestock as a youth. He became a carpenter and later a supervisor in oil and gas and housing projects for the Settlement. Stan started his Settlement Council commitment in 1980 and held several terms until his appointment as Chair effective December 2, 2006. He also served as Vice-Chair of MSAT from 1998-2002. Stan has many community commitments including a Board Member with the Aboriginal Tourism Advisory Council and Vice –Chair with the Northeastern Alberta HUB Regional Economic Alliance. He and his family run a hobby ranch on his residence in Buffalo Lake Metis Settlement.



GENERAL COUNCIL APPOINTEES 2002-2006

Lorne Dustow – Vice-Chair *(November 2002–October 2006)*

Lorne is a member of the Fishing Lake Métis Settlement, where he resides with his wife and family. Lorne has acted in many capacities while in Fishing Lake, including Settlement Administrator and Bylaw and Policy Analyst. This is Lorne's first term serving on the Tribunal.

Joyce Parenteau – Tribunal Member *(November 2002–October 2006)*

Joyce is an active member of Paddle Prairie Métis Settlement, where she was born and raised. She lives with her husband of 40 years, with whom she has 3 daughters. She worked for Northland School Division for 26 years. In 2000, Joyce received an Esquao Award, an honour bestowed upon women who make outstanding contributions to the community. She is currently serving on the Region 10 Child and Family Services Board. This is Joyce's first term serving on the Tribunal.

Harvey Anderson – Tribunal Member *(July 2004–October 2006)*

Harvey is from Gift Lake Métis Settlement. His past community involvement was with the Youth Justice Committee, and working as a Youth Conference Facilitator with the Junior Forest Wardens. Harvey has also worked with the R.C.M.P. and Gift Lake Police Bylaw Enforcement. He was the recipient of the 1993 Métis Youth Role Model of Alberta. This is his first term, joining MSAT November 1, 2004, while attending the Hotel Management Program.

GENERAL COUNCIL APPOINTEES 2006-2010

Don Cunningham, Vice-Chair *(effective December 2, 2006)*

Don is a resident member of the Peavine Métis Settlement, and his first term with MSAT. Past career experiences include being a member of the Royal Canadian Mounted Police; Treasurer of the Métis Settlements General Council; Vice-Chair of the Board of Governors, Northern Lakes College. Don is actively involved in community sports and music.

Violet Haggerty – Tribunal Member *(effective December 2, 2006)*

Violet is a member of East Prairie Métis Settlement and resident there for 32 years. She is East Prairie Métis Settlement's Land/Membership coordinator for the past 12 years and previously as the Settlement's receptionist. She was a council member in 1984-1985. Violet sits on the Northland School Board and has volunteered on many settlement committees.

Dorothy Anderson – Tribunal Member *(effective December 2, 2006)*

Dorothy (Dot) Anderson is a member of Gift Lake Métis Settlement. She served as a Program Development Officer at the Métis Settlements General Council from 1999 to 2006, and various projects in Gift Lake. Prior, she lived in Grande Prairie where she attended the Business Administration program at the Regional College. Dot is currently working as a Project Officer for Aboriginal and Government Training at the Northern Alberta Institute of Technology and loves being part of a unit that works with individuals to build practical, marketable skills that will stay with them through their career. Dot is most proud of her huge (and hugely extended) family and her traditional Métis upbringing.



MINISTERIAL APPOINTEES 2002-2006

Randy Anderson – Vice-Chair (*January–December 1, 2006*)

Randy is a member of the Gift Lake Métis Settlement. His past experience includes being Chairman of the Peace Arch Community Committee and Treasurer for the Métis Settlements General Council. During the past 12 years, Randy has been a successful businessman and is currently owner/operator of two businesses in Northern Alberta. This is Randy's first term serving on the Tribunal.

John Brosseau – Tribunal Member

Dr. John F. Brosseau was born in St. Paul, Alberta, and is a long time resident of Edmonton. He received his B. Ed, M. Ed and PhD in Education from the University of Alberta. John continues to be involved in a number of community activities, including sitting on the Edmonton Police Commission. This is John's fourth consecutive term serving on the Tribunal.

Ken Allred – Tribunal Member

Ken Allred has over 25 years experience on disciplinary, planning and development tribunals as both a chair and a member. Ken has been involved in arbitration and community mediation involving boundaries, surface rights, and aboriginal issues. As a professional land surveyor, he served as a lecturer, author, trainer, expert witness, land titles consultant, municipal councillor and administrator. This is Ken's third term serving on the Tribunal.

MINISTERIAL APPOINTEES 2006-2010

Allan Lamouche – Vice-Chair (*effective December 2, 2006*)

Allan is a member of the Gift Lake Métis Settlement and has served on its Council. He currently employed by the Settlement as a manager in their logging division.

John Brosseau* – Tribunal Member

Ken Allred* – Tribunal Member

**reappointed December 2, 2006*



EXISTING LEASES LAND ACCESS PANEL

The Chair is jointly appointed by agreement of the Minister responsible for resource development and the Métis Settlements General Council.

Wayne G. Carter – Chair

President and Chief Executive Officer of Lamplighter Energy Ltd. since June 2000; Consulting Landman; President of Lenyoran Enterprises Ltd., a private company; a director of Hampton Court Resources Inc., a public oil, gas, and mining company listed on the TSXV; past President of the Canadian Association of Petroleum Landmen.

Wayne has been the Chair of ELLAP since 1990.

One ELLAP member is appointed by agreement of the Canadian Petroleum Association, the Independent Petroleum Association of Canada, the Small Explorers and Producers Association of Canada and the Canadian Association of Landmen.

Merv Henkleman – Member

President and General Manager of Canadian Landmasters Resource Services Ltd. since 1988. A member and former director of the Canadian Association of Petroleum Landmen.

Merv has been a member of ELLAP since 1990.

One ELLAP member is appointed by the Minister of Energy.

Michael Day – Member

Michael Day, O.P. Geol. B.Sc. (London, 1954); exploration geologist in Western Canada 1954-64; taught geology at NAIT 1964-71; joining the (now) Alberta Department of Energy, as assistant deputy minister responsible for oil, gas and other mineral resources 1974-93. He formed M J DAY Resource Consulting Ltd. following retirement from public service.

Two ELLAP members are appointed by the Métis Settlements General Council.

Lorne Dustow* – Member

This is Lorne's first term serving on ELLAP. He is also a member of the Métis Settlements Appeal Tribunal.

Vacant ELLAP – Member

**Appointment expired November 1, 2006*



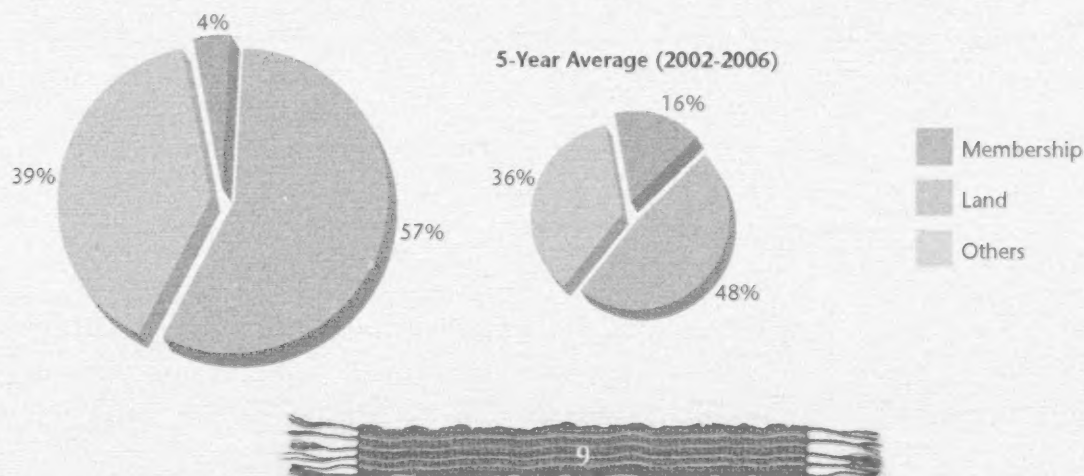
APPEAL ACTIVITIES

The Tribunal received 23 appeals in 2006, including one membership appeal. Land appeals consistently average almost one half of all appeals. The "Others" category is made up of oil and gas compensation appeals, descent of property, infringement on property, or housing allocations.

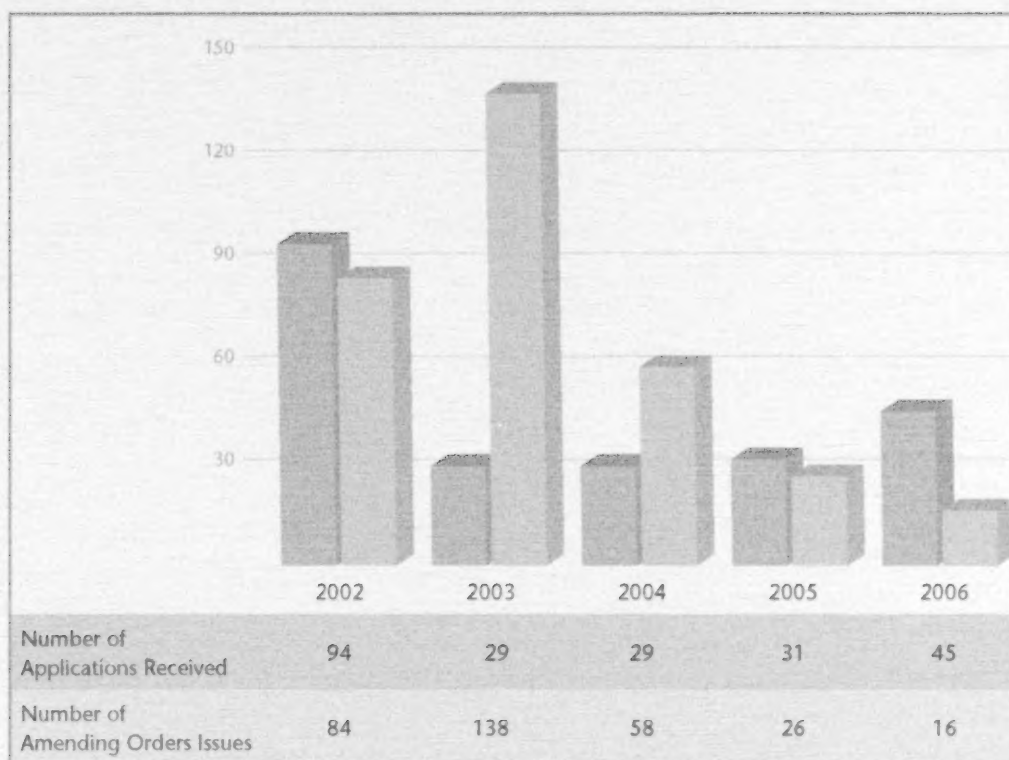
The decrease in Orders issues as a percentage of appeals received in 2004, 2005, and 2006 is a result of using mediation and alternative dispute resolution alternatives.

Appeals	2002	2003	2004	2005	2006	5-Yr Ave (2002-2006)
I. by Type						
Membership	12	8	2	1	1	5
Land	13	17	16	14	13	15
Others	7	12	14	12	9	11
Total	32	37	32	27	23	30
II. by Settlement						
Buffalo Lake	2	0	5	3	3	3
East Prairie	8	10	2	1	1	4
Elizabeth	3	2	4	4	4	3
Fishing Lake	2	7	13	6	6	7
Gift Lake	4	2	2	0	0	2
Kikino	0	5	4	4	1	3
Paddle Prairie	4	5	1	6	4	4
Peavine	8	6	1	3	4	4
Total	32	37	32	27	23	30
III. No. of Orders Issued						
Total	14	11	6	4	7	8

FIGURE 1. TYPE OF APPEALS RECEIVED (2006)



SURFACE RIGHTS ACTIVITIES



In 2006, LAP received 45 applications, 16 of which were applications for a right of entry order. 15 of the right of entry applications were subsequently withdrawn.

The Land Access Panel issued 16 amending orders, change of existing mineral lease holder (12), correction to typographical error (1), and amendments to compensation provisions (3).

MSAT received over 300 telephone inquiries relating to LAP and ELLAP jurisdiction. A majority of the inquiries initiate complete reviews of the right of entry order files. In most cases, this involved an educational component on MSAT processes and procedures.

MÉTIS SETTLEMENT AND INTERESTED PARTY RELATIONS

The Tribunal continued to raise its profile with the Settlements and interested parties. We continue to carry this out through the following initiatives.

PUBLICATIONS

In addition to various brochures explaining MSAT, we published specific information about our services when meeting with and forwarding to Settlements, their members, and Oil and Gas companies.

WEB SITE

MSAT's web site has been online for eight years. This web site is hosted on a Government of Alberta server, with the Tribunal having full editorial and creative control. The web site is an excellent source of information on the Tribunal for our clients and interested parties, who can print off appeal forms and other information.

This site links with the Métis Settlements General Council and other relevant sites. With the continued expansion of the Supernet in Alberta to Métis Settlements, this site will allow more access to the members.

We had 29,344 contact hits in 2006 as compared to 29,034 in 2005 and 7,463 in 2004.

We switched to a new Web Server in November 2006 which made our site faster to navigate.

CONFERENCES AND ACTIVITIES

Tribunal staff participated in many activities on and off Settlements to raise awareness of both the Métis Settlements and the Tribunal. MSAT staff attended Elders and Youth conferences, as well as specific meetings with Councils, classrooms of students and Métis celebration days.

Land Clerks were assisted in helping them with organizing their land compensation file systems.

There were other meetings, both formal, during appeal investigations or surface rights amendment requests, and informal visits.

A unique opportunity was served when some 400 Land Managers and their staff of Oil and Gas companies held their CAPLA conference. They asked MSAT to speak about what we do and what requirements they have under the Métis Settlement Act.

In addition to the many presentations explaining the appeal process, staff were available to discuss issues on a one-on-one basis and to hand out resource materials.

SETTLEMENT EDUCATION SEMINARS

MSAT also provided a day long workshop to Settlement justice committee workers and other Settlement staff on mediation skills in three Settlements. There were 34 attendees in the three training sessions, which were for the benefit of their jobs and for personal growth.



FINANCIAL ACCOUNTABILITY

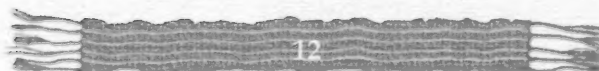
The Tribunal reports its financial activities consistent with the provincial government fiscal year reporting period from April to March of the following year.

The table compares Tribunal expenditures for 2004/05 with those of 2005/06.

	2005/2006		2004/2005	
	Authorized Budget	Actual Expenditure	Authorized Budget	Actual Expenditure
Manpower	\$481,000	\$492,000	\$441,883	\$416,121
Supplies & Services	\$461,000	\$622,000	\$500,117	\$545,721
Total	\$942,000	\$1,114,000	\$942,000	\$961,842
Surplus (Deficit)		\$(172,000)		\$(19,842)

The Tribunal experienced a deficit in this fiscal year due to the following factors:

- \$110,000 expended on legal services in 2005/06 as compared to \$54,600 in 2004/05 due to complex legal appeals and hearings.
- There has been a steady increase in salary and benefit requirements in the manpower budget with no additional funding injections for the past few years. The total operating budget amount has substantially reduced.
- Increased travel by staff to settlements.



ORDERS ISSUED

MSAT Order No. 168

Date Issued: March 21, 2006

Parties: Fishing Lake Métis Settlement (Appellant); Kelly Bowen, Gladys Calliou, Jean Anderson, Arlene Calliou, Peggy McGillis, Darlene Callioux, Darren Calliou, Barry Jess, Clayton Trottier, Raymond Hayden, Jennifer Crevier (Affected Parties)

Issue: House and Land Dispute on NE-14-057-02-4

This order deals with the matter the Settlement Council of Fishing Lake Métis Settlement, as Land Trustee, referred to MSAT for a decision. The matter involved a house and land located in NE-14-57-2-4. The property was previously held by Kenneth Donald Calliou who died without Estate Instructions. Kelly Bowen, son of the deceased, appealed to MSAT because he felt he was entitled to have his father's house and some land in NE-14-57-2-4. After mediation failed to resolve the matter, the affected parties (Kenneth's mother and siblings) agreed the property should be transferred to Gladys Calliou, mother of the deceased, at which time she would submit Estate Instructions.

MSAT found jurisdiction to deal with this matter under Section 189(1) of the *Métis Settlement Act* and 8.2 of the Métis Settlements General Council's Land Policy.

After considering all evidence submitted prior and during the hearing, MSAT decided to grant Kelly Bowen the house and approximately five acres of land where the house is located on NE-14-57-2-4. The Panel felt it fair for Kelly to receive a portion of his late father's estate. The Panel observed the historical and deep-seeded connection to the property by the family and suggested the family should have first right of purchase if the property was to be sold in the future.

The Panel ordered the Métis Settlement Land Registry (MSLR) to prepare and register a plan of subdivision for the quarter section. The plan, to be consistent with Section 87 of the MSLR Regulation, should show the boundaries of the 5-acre lot. The MSLR was further directed to register a Métis title interest in the name of Kelly Bowen for this newly subdivided 5-acre.



ORDERS ISSUED

MSAT Order No. 169

Date Issued: April 13, 2006

Parties: Appellants: Lisa Michelle Calliou, Clifford Calliou, and Brian Taylor

Respondents: Settlement Council for Fishing Lake Métis Settlement,
Canadian Natural Resources Limited, Husky Oil Operations Limited, and
Conoco Canada Resources Limited

Other Parties (Occupants): Métis Settlements General Council, Walter Scott
Anderson, Sheila McGillis (Land Trustee), Michael Allen Callioux, Michael J.
Delorme, Raymond George Delorme, Clayton Trottier, Estate of Kenneth D.
Calliou, Estate of William J. Lebel, Greg Calliou, Helen Elizabeth Flamand,
Dwayne Durocher, and Mary Grace Desjarlais

Issue: Compensation

This order deals with three appeals filed separately by members of Fishing Lake Métis Settlement regarding compensation entitlement in respect of Right of Entry Order (REO) No. E31/79, E417/81 and E871/79. The appeals raise issues regarding the identity of the individual occupants of the affected lands. The appeals also raise the issue of whether compensation is properly payable to those occupants. Finally, the appeals raise issues regarding non-payment of compensation by the Settlement to the individual occupants. The parties have not requested a review of the rates of compensation established under existing orders.

MSAT found jurisdiction to deal with the appeals under Division 7 "Access to Patented Land" and Sections 118, 119, 121 and 254 of the MSA. Section 190 of the *Métis Settlements Act (MSA)* gave the Land Access Panel (LAP) authority to:

1. Look at anything necessary in order to make a decision;
2. Amend, make or repeal a settlement bylaw to conform with the MSA;
3. Make any decision a settlement council could have made;
4. Reverse a settlement council decision; or
5. Provide any remedy that, in all the circumstances, fairness requires.

The Panel decided members holding registered interest on affected parcels from November 1, 1990 up to the date of the Hearing on April 28, 2005 as "occupants" pursuant to s. 111(h) (iii) of the MSA. They are entitled to payment of compensation arrears for the period determined by the Panel for each REO. In arriving at this decision, the Panel considered the following:

- In the case of two orders, the rate of compensation was determined by agreements reached between the Settlement and Existing Mineral Lease Holder.

Arrears payment should be made by Fishing Lake Métis Settlement as set out in Schedule C attached to the Order.



ORDERS ISSUED

The panel found their authority in Section 72 of the *MSA*. Settlement bylaws not consistent with the *MSA* have any effect. To the extent any Settlement bylaw attempts to remove or fetter LAP or ELLAP's discretion to determine if compensation is payable to occupants, based on the provisions of the *MSA*, the Bylaw is invalid and of no effect.

Similarly, to the extent where Settlement bylaws attempt to override the terms and conditions of Right of Entry Orders or associated compensation orders. They are invalid and of no effect.

The Panel ordered the Fishing Lake Métis Settlement to pay compensation to members. The concerned REO's and their corresponding Compensation orders will also be amended to reflect the change of existing mineral lease holder, in the case of REO No. E31/79, the change is from Suncor Inc. to Canadian Natural Resources Limited.

MSAT Order No. 170

Date Issued: 20 April 2006

Parties: Evelyn Carifelle (Appellant) and Peavine Métis Settlement (Respondent)

Issue: Land Dispute concerning SE-08-079-16-5

Order No. 170 deals with the Appellant's application for MSAT to determine her interest on the subject land as documents relating to her applications were lost in the Settlement Office and were not submitted to the Métis Settlements Land Registry (MSLR) for recording. The Settlement Council chose not to make a decision on this issue.

The Panel finds jurisdiction under Section 189 of the Act, which states that the Tribunal must hear appeals and references given to it. Likewise, it finds jurisdiction under Section 8.1(1) of the Métis Settlements General Council Land Policy which states that any person affected by a lack of decision related to the granting of land interests in the settlement area can appeal in writing to the Tribunal.

Upon consideration of evidence coming from both the Appellant and Respondent, the Panel decided Ms. Carifelle is entitled to a PMT on SE-08-079-16-5 and to compensation distributed to occupant for the said quarter section from July 1, 1998 to June 30, 2003. Also, since no notice of PMT expiration was given to Ms. Carifelle, the Panel waived the time period for her to apply to the Settlement either to renew or convert her PMT to a Métis title.

The Panel ordered the MSLR to register a PMT for SE-08-079-16-5 to Ms. Carifelle effective July 1, 1998. On the other hand, Ms. Carifelle was ordered to submit an application within 30 days from the date of the Order to either renew or upgrade her PMT. The Settlement Council was also ordered to make a decision on Ms. Carifelle's application within 90 days of the said application.

ORDERS ISSUED

MSAT Order No. 171

Date Issued: July 28, 2006

Parties: Ross Joseph Collins (Appellant), Settlement Council for Elizabeth Métis Settlement (Respondent), and Dennis Wells (Affected Party)

Issue: Land

Ross Collins is a member of Elizabeth Métis Settlement whose PMT interest was cancelled after his second five-year term had expired. The Settlement Council for Elizabeth decided to award the land to another settlement member, Dennis Wells, whom it felt would make the best use of the land. Mr. Collins appealed this decision of the Council.

MSAT found jurisdiction to handle this appeal under Section 189(1) (b) of the *Métis Settlements Act* and Section 8.1 of the Métis Settlements General Council Land Policy. Section 189(1) (b) of the Act provides that the Appeal Tribunal must hear appeals and references required to be performed by it under the regulations, bylaws or General Council policies. Section 8.1 of the Land Policy states any person affected by the Settlement Council's decision relating to the granting, transfer or termination of land interests in the settlement can appeal in writing to the Appeal Tribunal.

The Tribunal upheld the decision of the Council to grant the land to another member. The Tribunal found the land can no longer be renewed under Ross Collins' name as doing so would exceed the maximum 10 years allowed under Section 3.3 of the Land Policy. The Tribunal found the Settlement Council followed the correct procedure in allocating the land to another member.

The Tribunal ordered the Registrar of the Métis Settlement Land Registry to record the PMT in the name of Dennis Wells effective February 28, 2006.

ORDERS ISSUED

MSAT Order No. 172

Date Issued: September 15, 2006

Parties: Settlement Council for Kikino Métis Settlement (Appellant) and Husky Oil Operations Limited, Métis Settlements General Council, Kikino Métis Settlement and Kikino Cattlemen's Association (Respondents)

Issue: Change of Existing Mineral Lease Holder and Change of Occupants in Right of Entry Order Numbers E78/78, E1037/80 and E1279/81

(This decision deals with the issue of whether or not a Settlement association is a "person" within the meaning of Section 111(h) of the Métis Settlements Act who may be considered occupant in right of entry orders.)

An application was received by MSAT to amend the above-noted right of entry orders (REOs) to reflect the current or existing mineral lease holder (EMLH). In amending REOs, it is customary for the Land Access Panel (LAP) of MSAT to also update the Occupants section of the order by adding settlement members who, at the time of amendment, have registered interest on lands affected by the order or by removing those who no longer have interest on the said lands. The Kikino Cattlemen's Association (KCA) was named an occupant in all three orders but had been removed as it no longer has registered interests on lands affected. The Settlement appealed this decision of the Tribunal.

MSAT has jurisdiction to amend right of entry orders under s. 119 of the MSA which states that LAP may amend compensation and right-of-entry orders with respect to a person named in it when it is satisfied that there has been a change in EMLH or change of occupant.

The LAP found the KCA does not qualify as an "occupant" within the meaning of s. 111(h) (ii) and (iii) of the MSA. Said section considers a person in actual possession of a parcel of patented land or a person having a right or interest in patented land that is registered in the Métis Settlements Land Registry as valid occupant in REOs. LAP finds that KCA is not a human being and does not have the status of a natural person under any statute. Nor is it a legal person for there are no evidence submitted that KCA was a registered society or corporation. The Interpretation Act does not include unincorporated association or company in the definition of "person" and an unincorporated association is not recognized as legal person in the way that a corporation is.

The Panel ordered the subject REOs be amended in accordance with this decision on occupant change. Amending orders were issued reflecting changes in EMLH and occupants.



ORDERS ISSUED

MSAT Order No. 173 (Preliminary Decision)

Date Issued: November 6, 2006

Parties: Ben Howse (Appellant), Kikino Métis Settlement (Respondent), and Alvin Howse (Affected Party)

Issue: Land Dispute

(In this preliminary decision, MSAT ordered the Kikino Métis Settlement to obtain the Real Property Report from an Alberta Land Surveyor by January 31, 2007. On receipt of said report and its provision to all parties concerned, the MSAT Panel will reconvene to determine the final resolution of this matter, i.e., the location of the house owned by Alvin Howse and the access road into that house.)

ORDERS ISSUED

MSAT Order No. 174

Date Issued: December 7, 2006

Parties: Arnold Thompson, Michael Thompson, Henrietta Hope (Appellants) and Clifford Cardinal, Paul Cardinal, Helen Cardinal (Respondents)

Issue: Land Dispute

Arnold Thompson, Michael Thompson, and Henrietta Hope have lands which border with the properties of Paul Cardinal, Clifford Cardinal, and Helen Cardinal, respectively, in the Kikino Métis Settlement. The dispute arose when a fence was built between the lands held by the appellants and respondents stretching a total of one mile without the proper survey determining the correct boundaries. The appellants had requested MSAT to order the removal of the fence which they believe is in their properties.

MSAT has jurisdiction to hear this appeal per Section 189(1) (b) of the *Métis Settlements Act (Act)* and Section 8.2 of the Métis Settlements General Council Land Policy. The former states that the Tribunal must hear appeals and references given to it under the regulations, bylaws or General Council Policies while the latter indicates that "any question or dispute as to the ownership or extent of an interest in land in the settlement area may be referred to the Appeal Tribunal for an advance ruling or for a decision."

MSAT found that Clifford Cardinal built the fence without a survey or proper consultation with the owners of adjoining lands. After the fence was constructed, Arnold Thompson had a survey conducted to determine the proper boundaries. The surveyor, in a sworn affidavit, attests that the fence encroaches on the lands held by the appellants.

The MSAT Panel decided in favour of the appellants and ordered the respondents to remove the said fence at their own cost by May 30, 2007.



For more information, contact us at:

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